

Board of Selectmen
Tuesday, April 16, 2013

A meeting of the Rockport Board of Selectmen was held in Conference Room A of town hall on Tuesday, April 16, 2013 at 6pm, four board members and the Town Administrator were present, Selectman Murphy was absent.

6:03 Meeting Called to Order

Executive Session – Collective Bargaining and Confidential Information:
Selectperson Fleming moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #3: to discuss strategy with respect to collective bargaining and also under Exception #10 to discuss confidential information, Selectperson Wilkinson seconded, Roll Call Vote: Chairperson Battistelli – aye, Selectperson Fleming – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye.

Executive Session

Collective Bargaining

Chairperson Battistelli stated “We are entering executive session because, by not doing so, it would be detrimental to the Town’s bargaining position. We will reconvene in Open Session.”

7:00 Pledge of Allegiance and Moment of Silence

The Patriot Award: George Charos, Office of the U. S. Secretary of Defense, recognized Police Chief McCarthy and Lt. Schmink as patriotic employers, supporting national security and protecting liberty and freedom by supporting employee participation in the National Guard and the Reserves. G. Charos explained that Officer Griffin had sent a narrative explaining how the Rockport Police Department supports him and made accommodations for his training.

The Patriot Award for
Chief McCarthy and
Lt. Schmink

Executive Session Minutes: Selectperson Sheedy moved that the Board of Selectmen approve the executive session minutes of November 27, 2012, Selectperson Fleming seconded, Vote: 4-0. Amendment: add which members of the Board of Selectmen were in attendance.

Executive Session
Minutes 11/27/12
Motion Approved

seconded, Vote: 4-0.

Minutes of April 2, 2013: Selectperson Fleming moved that the Board of Selectmen approve the minutes of

Minutes from 4/2/13
Meeting
Motion Approved

April 2, 2013, Selectperson Wilkinson

Minutes of April 6, 2013: Selectperson Wilkinson moved that the Board of Selectmen approve the minutes of April 6, 2013, Selectperson Sheedy seconded, Vote: 4-0.

Minutes from 4/6/13
Meeting
Motion Approved

Minutes of April 9, 2013: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of April 9, 2013, Selectperson seconded, Vote: 4-0. Amendments: Selectperson Fleming requested that the statement be included that “funds from the parking meters can be used to purchase cruisers; a police cruiser is purchased every year”. Selectperson Wilkinson suggested that M. Vieira’s role, as Assistant to the Town Administrator, be stated in the minutes.

Minutes from 4/9/13
Meeting
Motion Approved

7:15 Seasonal Alcohol License Hearing for Blacksmith Shop Restaurant: Seasonal Selectperson Fleming moved that the Board open a Public Hearing on the application of Horseshoe, Inc., dba Blacksmith Shop Restaurant for a seasonal license to sell alcoholic beverages, Selectperson Sheedy seconded, Vote: 4-0. Attorney William Marr, 6 Beacon Street, Boston, is present representing the applicant. Chairperson Battistelli read the March 28 piece in the newspaper announcing the public hearing. Atty. Marr stated that Pat Oloisi and her husband Steve ran the restaurant; Steve passed away. P. Oloisi wants to reopen the restaurant. He stated that the ABCC went past the lapse period, so a renewal can't be done; a new application must be completed. Certifications to abutters were sent out three weeks ago. The restaurant will run exactly as it was, it's a family style restaurant, with alcohol capability. The Fire department will be there this week. They are requesting that the license be approved pending the fire department visit, so they don't have to come back. The Town Administrator said the application is being approved by the Board of Selectmen, the ABCC approves the license.

Seasonal Alcohol
License Hearing for
Blacksmith Shop
Restaurant

Close Hearing: Selectperson Wilkinson moved that the Board of Selectmen close the Public Hearing, Selectperson Sheedy seconded, Roll Call Vote: Chairperson Battistelli – aye, Selectperson Fleming – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, all in favor.

Close Public Hearint
Motion Approved

Selectperson Sheedy moved that the Selectmen approve Horseshoe, Inc.'s application for a seasonal license to sell alcoholic beverages at the Blacksmith Shop Restaurant at 21-23 Mt. Pleasant Street, Selectperson Fleming seconded, Vote: 4-0.

Approve Horseshoe Inc.,
seasonal license to sell
alcohol at the
Blacksmith Shop
Motion Approved

Attorney Marr extended his thanks to Debbie Powers, Senior Administrative Assistant, and the town for the speedy process.

Selectmen Updates and Liaison Reports: It was stated that Eileen Ford wrote a favorable letter to the GDT regarding the book that was put together for town meeting. Selectperson Wilkinson recommended hanging a bulletin board at Town Hall for the posting of letters from residents.

Selectmen Updates &
Liaison Reports

Chairperson Battistelli stated that she attended the recent forum on AGH, they announced at the forum that they are moving to offer several services to Addison Gilbert Hospital that haven't been offered previously. They are adding orthopedic services and a Coumadin clinic at Addison Gilbert Hospital. Selectperson Wilkinson stated that she attended the recent Planning Board meeting on the tool company and the property on Granite Street (Roma). There is going to be a public hearing in Rockport on May 7, 2013 (no confirmation on time yet).

Forum on AGH

Public Comment Period: Toby Arsenian, 95 Granite Street, regarding AGH/Lahey, we don't have representatives on the Community Outreach Committee. He questioned if it be reasonable to ask Beverly Quint for information on the concerns that were raised at the Gloucester meeting. No date has been set on a meeting in Rockport. He questioned if Rockport can obtain the

PowerPoint presentation or information on the Gloucester presentation. T. Arsenian inquired if the public can ask questions at the Rockport meeting and asked how the meeting will work. He stated that at Town Meeting regarding the Economic Development Committee, we wanted particulars around the \$50,000. T. Arsenian inquired if the Board of Selectmen ever received a report on how the funds have been spent.

The Town Administrator said the town is due for a status report on what they've done and how the funds were spent. Selectperson Wilkinson added that when we asked for detail they did return with information; they haven't been asked again for information.

Town Administrator's Report: M. Vieira, Asst. to the Town Administrator, said most of their time has been spent on town meeting; this consumed much of their time along with the voter booklet and placard. He continued that the master building plan RFP was in the packet for the Board of Selectmen. He stated that the Chapter 91 license hearing is being held on 5/7/13. He stated that they're ready to move forward with the Veterans' interviews to fill that position; J. King from the Personnel Board will participate. The Town Administrator will take the second round of interviews. M. Vieira stated that regarding local aid issues, update under house budget, Rockport should receive \$20,000 more based on Chapter 70 aide, almost fully funded circuit breaker and school transportation; unrestricted general government aide will be approximately \$8,300. This will depend on how revenue collections are looking.

Town Administrator's
Report

Selectperson Fleming commented on the noise reduction issue at the Community House. It is still unfinished business and should be added to the action list.

Noise reduction at the
Community House

7:45 Action List

Action List:

Request for Hiring Approval – DPW Public Properties: Selectperson Fleming moved that the Selectmen approve the hiring of a DPW Public Buildings maintenance Specialist to fill a recent vacancy in that department, Selectperson Wilkinson seconded, Vote: 4-0.

Hiring approval DPW
Public Buildings
Maintenance
Specialist
Motion approved

Request for Hiring Approval – Assessor Clerk Position: Selectperson Wilkinson moved that the Selectmen approve the hiring of an Assessor's Clerk to fill an upcoming vacancy in the Assessor's Office, Selectperson Sheedy seconded, Vote: 4-0.

Hiring approval for
Assessor Clerk
Motion Approved

Outdoor Display Permit for Asian Inspiration Gallery: Selectperson Sheedy moved that the Selectmen approve an Outdoor Display Permit for the Asian Inspiration Gallery, 7 Bearskin Neck, as shown and specified in the associated application, Selectperson Fleming seconded, Vote: 4-0.

Outdoor Display
Permit for Asian
Inspiration Gallery
Motion Approved

Selectperson Fleming amended the motion that the Selectmen approve the outdoor display permit for the Asian Inspiration Gallery to be two sets of four each items,

no more than eight total. Selectperson Wilkinson seconded the motion. Vote: 4-0.

Selectperson Wilkinson stated that on page 1 of the application, the size of each item says it's 19" X 40", on the drawing it says it's 54" X 110". The applicant, Daniel Desmond, stated that the brick area is on private property, he said there will be nothing on town land. D. Desmond said they like to display some pieces together. Selectperson Fleming stated that it needs to be clear that it doesn't look like a street bizarre.

Contract for Old Garden
Beach Pump Station
Upgrade
Motion Approved

Contract for Old Garden Beach Pump Station Upgrade: Selectperson Fleming moved that the Selectmen approve and sign an Agreement with Methuen Construction Company, Inc. of 40 Lowell Street, Salem, New Hampshire to upgrade the pump station at Old Garden Beach for an amount not to exceed \$224,865.00, Selectperson Sheedy seconded, Vote: 4-0.

Contract for Fuel
Distribution System
Replacement
Motion Approved

Contract for Fuel Distribution System Replacement: Selectperson Wilkinson moved that the Selectmen approve and sign a Purchase Agreement with Northeastern Petroleum Service and Supply, Inc. of 37 Brookley Road, Jamaica Plain, Massachusetts for the purchase and delivery of a replacement Fuel Distribution System for a purchase price of \$57,976.22, Selectperson Sheedy seconded, Vote: 4-0.

Permission for Firemen's
Association Memorial
Parade
Motion Approved

Permission for Firemen's Association Memorial Parade: Selectperson Sheedy moved that the Selectmen grant permission to the Rockport Firemen's Association to hold their Annual Firemen's Sunday Memorial Parade on June 9, 2013, Selectperson Fleming seconded, Vote: 4-0.

8:00 Selectmen Briefing

Selectmen Briefing
Historical Commission

Historical Commission: Steven DeMarco, Chair of Historical Commission and a member of the Community Preservation Committee. He stated that Tom Stockton sent a letter and application to Community Preservation Committee. He indicated that they are making three requests for funding. The Town Administrator stated that Town Hall received just the letter. He stated that they made a request to the CPC for the extension of the downtown and Pleasant Street historic districts. Over the last 3-4 years they reached out to the Mass. Historical through their Grant program and rec'd \$10,000 to begin inventorying areas on the neck. They also requested administrative funds from the CPC. They didn't have the funds they thought they had, it was held aside for a number of years and ultimately was swept back into the general fund. They would like to complete the process now. Under the state's funding they have inventoried 50 properties, another 15-20 need to be inventoried. The application process of Mass. Historical is to submit it to state for review and ultimately it is sent back with comments and then it goes to town meeting. At least one public meeting is necessary to explain the process to residents. He is here tonight to get the Board of Selectmen up to speed, and then the CPC will vote in May or June looking forward to town meeting and will need

Board of Selectmen for support. He went to the CPC on 4/9/13 (last Tuesday) to make a preliminary application. In May or June the CPC will decide if they will put it on the warrant for town meeting. The second piece is \$10,000 to look outside of the existing historical district for the town at large; the Planning board has approached them around the discussion of a demolition delay by-law. S. DeMarco stated that even historical properties can be demolished. If the demolition delay by-law came to pass it would be administered by the historical commission. Number two is taking a look at some of the properties in town to inventory for recording with Mass. Historical, to set that information aside. It was questioned if homeowners are required to submit if their home is designated. Selectperson Fleming questioned the issue of the utilities being underground on Bearskin Neck. The Town Administrator stated that the issue of flooding and ledge make underground utilities impossible. He stated that a legal opinion from FEMA would be helpful regarding if the historic districts were extended, under that designation could they seek some relief if there was a catastrophe.

Toby Arsenian, 95 Granite Street: stated that there are three ways to designate historical areas/building, 1) designate all buildings of a certain age, 2) draw a line on a map and include all the buildings in that area, 3) designate individual buildings. He questioned what's worth saving/what's historic? You'd need consultants to determine individual buildings. He stated that he is surprised to learn that buildings can be torn down in historic districts. He continued that FEMA regulations are key before the town invests funds on this. He questioned S. DeMarco if they've been working with any standards and added that piers and wharfs should be part of this.

S. DeMarco stated that they have been working with standards, they are on the website; he stated that piers and wharfs are part of this.

Chairperson Battistelli questioned that in the existing historic district, what process do they go through to demolish a building.

S. DeMarco said the owner submits an application, however the historic commission can say no, then the building owner can appeal it. Our decision may not be binding in a court of law.

Don Campbell questioned is there a benefit of such a designation for a homeowner, like any financial incentive.

Toby Arsenian, 95 Granite Street: FEMA concerns are absolutely key, if the town is going to invest funds in a new historic district, we should get the answer in writing beforehand, otherwise it's reckless.

S. DeMarco said there is no easy workaround here, taxpayer dollars are going to be spent, but at least we'll document what's there. There are different approaches, 1) reconstruction 2) preservation, 3) rehabilitation. The standards they are following are on the website. They are requesting \$20,000 from CPC to continue pursuing an extension of the historic district. They will be looking for the Board

Selectmen Briefing
Historical Commission
continued

of Selectmen's support. He stated that the voters in town will decide, but we can't even get to Town Meeting without doing the work.

Selectperson Sheedy said the more information the better on this as people have very strong feelings on both sides.

Other Business/
Announcements

Other Business/Announcements: Selectperson Wilkinson questioned if there was an update on Hillside Road. The Town Administrator indicated it would be on the next Town Administrator's report.

Town of Dudley,
Chapter 70

A letter from the Town of Dudley, regarding Chapter 70 was discussed. They are requesting a response by this Friday. Chairperson Battistelli stated that she wouldn't want to go forward without speaking to the school committee or the Superintendent. The Town Administrator suggested getting input from Senator Tarr and/or Representative Ferrante. If either or both say this is great, then we can post a meeting.

8:30 Selectperson Fleming moved to adjourn, seconded by Selectperson Wilkinson,
Vote: 4-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 4/8/13 in the amounts of \$477,446.00 and \$221,323.21 respectively.

Documents signed:

Methuen Construction Company

Northeastern Petroleum

Asian Inspiration Outdoor Display Permit

Horseshoe, Inc., Blacksmith Shop Restaurant, ABCC

Common Victualler's Horseshoe, Inc., Blacksmith Shop Restaurant

Maryellen Oliver, Home occupation permit

Simon Zaslavsky, 22 Chatham Street, Lynn, Harvest Festival, Bearskin Neck

Etchings by Emrich, 133 Main St., Home Occupation

Blacksmith Shop, Patricia Aloise

Blacksmith Shop, Common Victualler's License